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(Hansard)**

**Journal
des débats
(Hansard)**

Monday 5 November 2001

Lundi 5 novembre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 5 November 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 5 novembre 2001

The House met at 1845.

ORDERS OF THE DAY

OAK RIDGES MORaine
CONSERVATION ACT, 2001

LOI DE 2001 SUR LA CONSERVATION
DE LA MORaine D'OAK RIDGES

Mr Kells, on behalf of Mr Hodgson, moved second reading of the following bill:

Bill 122, An Act to conserve the Oak Ridges Moraine by providing for the Oak Ridges Moraine Conservation Plan / Projet de loi 122, Loi visant à conserver la moraine d'Oak Ridges en prévoyant l'établissement du Plan de conservation de la moraine d'Oak Ridges.

Mr Morley Kells (Etobicoke-Lakeshore): I move second reading of Bill 122, and I will be sharing my time with the members for Oak Ridges and for Simcoe North.

The Deputy Speaker (Mr David Christopherson): Order. The floor is open for debate. The member for Scarborough East.

Mr Steve Gilchrist (Scarborough East): Thank you very much, Mr Speaker. I certainly appreciate the indulgence of the member from Etobicoke-Lakeshore. The standing committee on general government will be meeting at 7 o'clock, and this is my only opportunity to participate in this leadoff debate. I believe Mr Kells has also indicated that this hour will be shared with the member from Oak Ridges and the member from Simcoe North, two people who care just as passionately about the issue before us here today.

This has to fall into the category of good news. There is no way any reasonable person, having heard the announcement this week on the protection for the Oak Ridges moraine, would have been anything but elated, not just at the end of result but at the process that has worked to such a degree, facing all the criticism, all the cynicism, even as recently as this past spring when the six-month freeze was implemented on all projects, on all new work taking place on the moraine.

There were people who said the government wasn't serious, that this was not going to translate into a tangible saving of the important natural resource we call the Oak Ridges moraine, but was just an artifice to get through a particular by-election. I'm going to tell you that on Rouge Park Day, July 20, 1999, as the then Minister of

Municipal Affairs and Housing—Rouge Park, by the way, being the world's largest park in an urban setting, another accomplishment of our government in its first term—I indicated that I was committed to protecting all the environmentally sensitive portions of the Oak Ridges moraine and in the next breath said I was looking forward to working with all the stakeholders on the sort of consensus we've seen take place today.

I'm not going to belabour the very obvious history of what happened after that when certain developers decided they didn't like the idea of a government and a minister that were committed to such bold environmental initiatives. But might I suggest that those same developers, probably one in particular, is rueing the day he decided to use character assassination as a way to influence government policy. There is no doubt that this has come about infinitely faster than I or anyone else could ever have moved the yardsticks by just working through the normal process within the cabinet and within caucus.

The fact of the matter is, we have the irony that the media for the first time in any of our lives actually started talking about the Oak Ridges moraine, talking about the significance of the flora and fauna and, most importantly, the aquifers, the source of the water in 65 streams, creeks and rivers. In fact all the major rivers running down to Lake Ontario for a stretch of 160 kilometres find their headwaters on the Oak Ridges moraine. It was staggering that we had never seen in the history of this province a legislative initiative that would actually guarantee the protection of this unique and invaluable resource.

It's interesting to note, just as a sidebar, that all but two of the parks and preserves that exist in Ontario today were created by Conservative governments. That is the true legacy of Conservatives throughout the decades. That is in fact our commitment to the environment. The smoke and mirrors others opposite would throw up do not pass muster when you compare that with the very tangible actions we took, particularly in our first term—Living Legacy—and specifically as it affected my riding and the ridings in eastern Toronto and the GTA, the Rouge Park.

1850

But let's get back to the issue of the Oak Ridges moraine. This is a comprehensive plan that deals with the moraine from one end to the other and allows us to say that 100% of the environmentally sensitive features of the Oak Ridges moraine and the aquifers underneath it have been protected, absolutely guaranteed, immune from all future scrutiny and possible political intrigue—

on the assumption this bill passes, of course. The fact of the matter is, it clearly laid out the differences between the parts of the moraine that were environmentally significant and other areas that, because they tend to be scrubland or areas immediately adjacent to existing settlement areas, were not nearly as important in terms of environmental sensitivity. The developers believed the whole moraine was up for grabs, but even the environmentalists told us it would be irresponsible to talk about banning anything ever being done on 100% of the moraine. Their goal, and our goal, was to do the most intensive, the most detailed survey and scrutiny of this landform, so that we could stand here today absolutely confident that our commitment to save 100% of the environmentally sensitive features was a sincere and realistic one.

I am immensely grateful for the work done by the staff in the Ministry of Natural Resources; the staff in the Ministry of Municipal Affairs; Minister Hodgson, of course; my colleagues, like Frank Klees in particular, in the riding of Oak Ridges, but many other members whose ridings are either on the moraine or within the watershed of the rivers that come from the moraine. All of them continued a crusade within the caucus and continued to make sure that in every possible forum their constituents and their colleagues knew this was an issue we were not going to let up on, and we did not.

We are also of course immensely grateful to the people who served in volunteer capacities on countless organizations for years before any announcement ever came out of this building, people who lived on the moraine or who had travelled through it, who recognized the importance of the environmental features, but who had never been able to garner that media attention. One person in particular, Debbe Crandall from the Save the Oak Ridges Moraine Coalition, observed that it was a good day to get 30 people showing up to a meeting in the early 1990s who knew enough and cared enough about the moraine to actually take a few hours out of their day to try to raise the profile of this issue.

As a result of the media attention to this issue that was generated in the fall of 1999, we had 3,000 people show up at Richmond Hill council and make it extraordinarily clear to the municipal politicians that their original plan to approve thousands of new homes on environmentally sensitive portions of the Oak Ridges moraine was all wet and wasn't going to pass muster. The councillors did the right thing. They did a 180. Then York region reversed its position, and the city of Toronto ponied up, I think, \$1 million in financial support for certain environmental groups who took on the developers at the Ontario Municipal Board and made great progress.

But all those issues are now moot, because as part and parcel of this announcement, as part and parcel of this plan, I'm immensely proud of the fact that we have been able to cobble together an arrangement, a land swap to guarantee that 1,000 more acres currently in the hands of developers, currently facing imminent destruction had the OMB made a ruling in favour of these developers, in a

part of the moraine that's particularly sensitive because there isn't much of a corridor left around Yonge Street in Richmond Hill—the good news is that those lands have now come back into public ownership in exchange for lands in the north end of Pickering that by consensus dating back through all three parties' terms in office are quite worthy of development, are immediately adjacent to the built-up areas in Pickering, are on major corridors and are not on the moraine. There will be some who posture and suggest that now we should stop all development there. I think that if we're going to be realistic, we should understand that as long as 52% of all the immigration to Canada comes to the GTA, we need to find places for those people to live.

Part and parcel of it, though, is the second benefit to having created such strong protection for the moraine. The first benefit, of course, is the absolute environmental wonder that will be the moraine in the years to come. It will be like clawing back Algonquin Park. If any government in the future should have the belief that somehow that's an option when it comes to land use planning, it is frozen for all time now. We know that that means the trees, the flora, the fauna and the aquifers are protected for all time.

But the second benefit, probably equally important, is that for the first time now, when you look at the Niagara Escarpment to the west, coupled with the Oak Ridges moraine to the north and running well to the east of the GTA, we have created a barrier against future urban sprawl. We have created an opportunity to better manage the growth that absolutely will be part of the future of Toronto and its sister municipalities. There will be a million more people living in Toronto and the GTA in the next decade, but now they will be living in more appropriately designed, more intensively planned communities where we don't need to build massive new highways, we don't need to build hospitals and schools and new sidewalks and street lamps where right now farmers are planting hay. We'll be able to redevelop lands like Ataratiri at the foot of the Don River. We'll be able to develop the Downsview air base. We'll be able to develop all sorts of former industrial properties, the so-called brownfield sites, as homes for thousands—indeed hundreds of thousands of people—in the years and the decades to come, at far lower cost to our society and, quite frankly, far less damage to our environment.

It's a rare day indeed that a government and, in this case I would challenge, all members of this Parliament have an opportunity to do something that's downright visionary. It is very easy to succumb to the temptation of worrying about the headlines in tomorrow's newspaper rather than the legacy you will leave behind after your years of service in this House. It is very easy to say that there will be people who are upset by a particular decision, both ways, and succumb to the inertia to do nothing. The old saying in this business: "If you do nothing, you can't do anything wrong."

The problem is, when you're talking about something as important, as significant, as vast as the Oak Ridges

moraine—it was suffering a death by a thousand cuts—it took a comprehensive plan, not piecemeal. Don't just worry about Richmond Hill, don't just worry about Markham; you've got to guarantee that the same level of protection applies from one end of the moraine to the other. The same guarantee of the purity and the pristine nature of this moraine being protected forever had to be and was the goal of our government. That was the result of the plan that is now embodied in this legislation.

The legacy, the payback, of this decision is not going to be something we'll particularly see in the next two years before the next election. The payback will be 20, 50, 200 years from now, when people, our descendants, living in the city of Toronto or Mississauga or Pickering, have, within a few minutes' drive, access to an extraordinary natural preserve, the likes of which no other large city in the world will be able to boast. That is what we are doing here.

Yes, it will protect the environment. Yes, it will guarantee that the future growth and development of Toronto and the GTA is done in a far more effective and managed way, but it also sends a message. It sends a message to people who are cynical about politics and politicians that, from time to time, we do get it right. We do make decisions that are very visionary in their impact.

1900

I believe that there are no failings in the law that's been introduced before us here today. I really submit to the members opposite that while we could all quibble about saving 1% more here or there or moving it from the natural corridor and the natural linkage areas, I would remind you that what you see before you is the result of a consensus of all the stakeholders who have a vested interest far greater than any of us. They live there; they work there; they generate their income there. These are the people, all of whom came to a consensus of what the vision for protecting the Oak Ridges moraine should look like. I think we've seen ample evidence from the environmental community, and we sure heard it on Thursday night at the Charles Sauriol dinner, where Robert F. Kennedy Jr himself paid tribute to the actions our government has taken. When we hear those sorts of glowing tributes coming from a very ardent Democrat but also an internationally renowned environmentalist, I think we can say we've headed down the right path.

I'm going to yield to the other members of the caucus who wish to speak to this. But in closing I want to thank everyone who has joined this campaign, who has joined this crusade. It was an extraordinary, worthy goal, and I think everyone who has participated in this process, inside and outside this building, can be immensely proud of the result and can tell all their friends and neighbours that they were part of creating the single biggest environmental preserve in the history of Ontario anywhere near the major population centres and something that is going to live through the generations as a legacy all of us can be very proud of.

The Deputy Speaker: Further debate?

Mr Frank Klees (Oak Ridges): I want to start by first congratulating my colleague the member for Scarborough East, who has just spoken, for his leadership while he was minister, and, perhaps more important, for the continued pressure he placed not only on his caucus colleagues but also on cabinet colleagues on this issue.

I, as the member for Oak Ridges, became very much involved in this issue. As a matter of fact, I was probably aware of the Oak Ridges moraine long before some members of the opposition knew how to spell "moraine." The interesting thing is that as with all things, this soon became a political football that was played by many people and unfortunately was the cause of polarization within our communities. Many times it wasn't reason that prevailed. A great deal of emotion entered this debate, and understandably so, because what was at the heart of this debate was the role the provincial government was going to play in protecting the sensitive areas of the moraine.

I for one felt from the beginning that it was important that there be strong provincial legislation in place that would clearly set out which lands could be developed and which lands were off the scale of development because of their sensitivity, so there would be a clear framework—whether it be the Ontario Municipal Board that would have the responsibility to make decisions or whether indeed it would be the municipality as it accepted applications for development—for landowners, for developers, for the public as to what is appropriate, what would be allowed and what wouldn't be.

In Richmond Hill we had a great deal of controversy. There were meetings that took place till all hours of the morning, which were attended by people not only from the immediate area but, I know, from across the GTA and even further. When they realized that what was at stake here was perhaps losing once and for all a lot of these very sensitive areas, these precious headwaters and the natural resource we have in this rich area called the Oak Ridges moraine, people came together. They lobbied the government, they took a stand, and to their credit there was a great deal of very good debate that took place. There were experts who came forward on both sides in terms of arguing for either a 100% freeze on the moraine or allowing some development on the moraine in those areas that weren't as sensitive.

At the end of the day, what have we here today? This bill before us in fact protects 100% of the sensitive areas of the moraine from future development. The Oak Ridges Moraine Conservation Act, 2001 includes a great deal of protection that otherwise would not have been there. The Oak Ridges Moraine Protection Act, as you well know, was passed in this House unanimously; in fact a rare occasion that a bill would be passed first, second and third reading. It was done here because of the importance that members of this House place on the Oak Ridges moraine. That bill placed a six-month moratorium on development on the Oak Ridges moraine. That sunsets November 17, and that's why it's so important that this bill that is before us today receive approval with the

appropriate debate, with the appropriate changes that may yet have to be made to this bill in terms of some of the technical issues.

Again, I want to commend the Minister of Municipal Affairs and Housing for his vision not only in terms of the need to bring this legislation forward, but also in having seen the wisdom of creating that pause period, that six-month period, when basically people involved in the various aspects of this debate were asked to cool down and to allow cooler heads to prevail. It was during that period of time that the advisory panel to the minister did, I believe, incredible work.

There were doubters on all sides as to whether or not a process like this would be meaningful, and the potential was there to further polarize the community, to further polarize the interests that were involved in this debate. But that is not what happened, to the credit of the people on this advisory council, and I want to thank them on behalf of the government, I'm sure on behalf of all Ontarians, for the many hours, weeks and months of work that they put into getting this job done.

We also concurrently, as that process was going on, realized that regardless of what came forward out of that advisory panel's recommendations, we still had an issue with lands that were primarily situate in Richmond Hill that were before the Ontario Municipal Board and that already to date had cost millions of dollars to the proponents of the development, to those who were opposing the development, to our government, and there had to be found a way to deal with that very contentious issue.

I commend my colleague the Minister of Municipal Affairs and Housing for seeing the wisdom in setting up an off-line process that was chaired by David Crombie, whose task it was to bring the parties together and to resolve the issue. Again, most people who were observing that process said this would never happen, and in fact as the story is told now, there was no deal until basically midnight of the day that the minister announced this legislation.

In the end, the deal that came about—my colleague from Scarborough East referred to it—basically takes the lands that were involved in that process out of play for development and effects a swap of lands, a trade of lands that are owned by the provincial government in Pickering. The developers will go there and they will build their homes, but in a planned community, in an area designated many years ago for potential development in, I think, the host community there. While there are some concerns now that perhaps we are imposing development on an area that may also have some sensitivities relative to the environment, let me be clear that all or any applications for development that come forward for those lands would also have to be subject to the environmental hurdles that are being put in place by our government.

1910

I think it's important for the people in this province to understand the significance and the far-reaching implications of this legislation. As someone who was, quite

frankly, found offside with his own government on this issue in the past—and the Speaker will know, particularly for someone who is in cabinet, to take a position that is not consistent with government policy isn't an easy position to take. But I felt that it was important. I was convinced that in fact it was the right thing to do, that our government show leadership in this area. It was a long road. It was not an easy one. I was not alone in this, because there were others within our caucus, and as the member for Scarborough East indicated, he certainly was on the forefront of leading the charge on this. I believe the initiatives of the public, members of the opposition as well and ultimately the lead of this government have given us a significant piece of legislation that I trust all members of the opposition will also support when it comes to third reading, or certainly at the end of the debate on second reading. But ultimately I would hope that we would have quick passage.

This legislation would require all new Planning Act applications made on or after November 17, 2001, to conform to the proposed Oak Ridges moraine plan. The Oak Ridges Moraine Conservation Act and plan would protect natural and water resource features on the moraine, it will preserve agricultural land and it would direct development to those approved settlement areas that are designated by the province for settlement. Within 18 months, municipalities would be required to amend their official plans and zoning bylaws to conform to that proposed plan, which would be ecologically based. I think for the first time in our province's history we have a recognition that this piece of property, this land that stretches right across the GTA, is deserving of this kind of protection. There are other moraines across this province that are equally as sensitive and I really believe that it will fall to the leadership of our government to show the same kind of concern for many of these other sensitive areas across the province.

This legislation would include strong policies to protect water quality and quantity, and there's a great deal of awareness across this province today of the importance of protecting our water sources, because at the end of the day, if we pollute the waters at the headwaters, then the results are self-evident.

We will err on the side of caution when it comes to managing storm water, because it has a great deal of potential to contaminate groundwater. The plan, as a result, would require innovative storm water management practices to protect sensitive recharge areas and to prohibit technologies that cause rapid infiltration of storm water into groundwater.

Limits would be placed on the amount of impervious or hard surfaces within watersheds. This again is needed to protect the natural hydrogeological cycle, to maintain groundwater recharge and to reduce potential flooding and erosion.

The proposed plan would require municipalities to delineate wellhead protection areas for all new existing municipal wells. They would also have to prepare management plans to control and restrict activities that can

harm groundwater. Certain uses that have the potential to contaminate groundwater would also be prohibited in hydrogeologically sensitive areas. These uses could include, for example, underground storage tanks, toxic or hazardous material storage, auto wrecking or salvage yards and the retail sale of gasoline.

For all natural core, natural linkage and countryside areas, upper- and single-tier municipalities must prepare watershed plans and incorporate those plans into their official plan. These watershed plans would have to include a water budget and a water conservation plan. They would have to contain criteria to protect water quality and quantity and hydrogeological features and functions. They would also have to include a framework for implementation, which includes more detailed plans covering smaller areas, such as subwatershed plans and environmental management plans. These watershed plans would have to include an environmental monitoring plan and they would have to include environmental management practices such as pollution prevention, reduced pesticide use and road salt management.

In addition to water resources, the plan would include policies to protect the health, diversity, size and connectivity of significant natural heritage features. These include wetlands, significant portions of the habitat of endangered and threatened species, areas of natural and scientific interest, usually referred to as ANSIs, significant valley lands, significant woodlands and significant wildlife habitat.

The only development or site alterations that would be permitted in these natural features would be those associated with fish, wildlife and forest management. Essential conservation and flood or erosion control projects would also be, of course, included; necessary transportation, infrastructure and utilities and low-intensity recreational uses such as hiking, unserviced camping and picnicking.

There has been a great deal of debate, particularly within the Richmond Hill area, on the Bayview extension. This is a roadway that has been deemed to be necessary as a result of the gridlock in York region. It's interesting; in the course of the last number of months I've had representations in my office from people who say, "We have a problem in York region with gridlock. We need more transit, we need more roads. Do something, as a government, to show leadership here." On the other hand, we have representations from people who say, "Yes, we have gridlock and yes, we need highways and we need roads, but don't put in the Bayview extension because there's going to be an effect on the environment."

In that regard, there has been an environmental assessment on this particular throughway and it is the commitment of our government to allow that to continue, I think for good reason. However, all of the precautions will have to be taken. Every step will have to be taken to ensure that we minimize any negative effect on the environment.

In closing, I believe that what we have in this piece of legislation is an opportunity for everyone in our com-

munity to take a great deal of pride and to recognize that our system of government and the openness of our government to what is good public policy works. I will be the first one to say that it is cumbersome and it is regrettable that it's taken us this long to get here. Had we seen the wisdom of implementing a program and a strategy like this three years ago, multimillions of dollars would have been saved in the courts or before the Ontario Municipal Board. A great deal of frustration would have been saved. A lot of polarization within our communities would have been avoided. On the other hand, let us be positive about this and let us realize that sometimes occasions like this are necessary to help heighten the debate, to bring to the public's attention, to bring to the government's attention, where public policy is lacking and where changes have to be made.

I would hope that this is only a beginning of our ability to open our minds and to listen not only to the public but to opposition members who are rightly motivated to help improve public policy, that it would be a signal to the leadership of our party and to our cabinet and to our caucus that when there are convictions that are being voiced within, whether it comes from a backbencher or whether it comes from a cabinet minister, people who are close to the issue and have their fingers on the pulse of what is happening in our communities, that they be listened to, that they have their say, because at the end of the day that's where collective wisdom comes in in creating good public policy.

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I'm proud to stand today, to be able to speak to this legislation, to be able to assure my constituents that the sensitive areas of the Oak Ridges moraine will be protected not only for today but for future generations. This is, I believe, only the beginning. It must be only the beginning of what this government will do for other areas of this province that equally cry out for this kind of protection so that not only do we have the opportunity to enjoy a quality of life, but that quality of life is guaranteed for future generations to come.

Mr Garfield Dunlop (Simcoe North): It is a pleasure to rise this evening to speak to this bill. It's certainly one of the more positive pieces of legislation that we've seen in this House in some time: Bill 122, the Oak Ridges Moraine Conservation Act. I think it's safe to say that it's long overdue. Many governments have looked at this, have talked about moraines, have talked about the Oak Ridges moraine, and today we stand here and have the opportunity to speak to the second reading of this.

I'd like to congratulate Minister Hodgson for his hard work on this bill, along with the parliamentary assistant, the staff at the Ministry of Municipal Affairs and Housing and all the stakeholders who took part in coming to an agreement, the advisory panel that was made up of people from all walks of life—the developers, aggregate suppliers, environmentalists, municipalities, all these folks who had a common goal to protect something that's so important for us.

There are a number of comments I'd like to quote from people who supported this. I'd like to read a few of them if it's OK with you, because I think it's interesting to see just how widespread the support for this particular piece of legislation is.

To begin with, there's only one negative comment I found about it, and that was from a fellow by the name of Bradley. I won't read that, but he was the environmental critic, and apparently he used to be the Minister of the Environment at one time. He had some negative things to say.

Interjection: What party is he from?

Mr Dunlop: I don't know what party he's with, but he did have some negative things to say.

Right here in the Legislature, the member for Eglinton-Lawrence said, "I want to thank the minister ... for taking a brave step that his predecessors refused to do."

The member for Toronto-Danforth: "I do want to take this opportunity to congratulate the government today. I think it's a very good move.... It is incumbent upon me, on behalf of the NDP caucus, to congratulate the minister and the government," and I think that's really nice coming from Ms Churley.

I think we should talk a little bit about some of the stakeholders. A well-known environmentalist—I can't say his name very well—Glenn De Baeremaeker, was quoted in the Toronto Star as saying the legislation is "stunning, monumental and unique." According to the Star, he went on to say, "This is a spectacular gift for our grandchildren. Such a sweeping environmental protection plan has never happened in Ontario before, not even in the Niagara Escarpment plan."

The Federation of Ontario Naturalists—and I know this; I know a number of members of that organization because I have a couple of chapters in my riding—issued a news release in which they congratulated Minister Hodgson for bringing forward the draft Oak Ridges Moraine Conservation Act, and the draft land use plan. The executive director, Jim Faught, was quoted in the release: "The government has proposed a bold ecosystem-based plan that will see 62% of the moraine off limits to most development and 92% off limits to urban expansion."

Save the Oak Ridges Moraine, or STORM as it is known, issued a news release that says, "STORM applauds the government for moving forward with much needed legislation for the Oak Ridges moraine." The STORM representative on the advisory panel, Debbe Crandall, was quoted, "The government has shown a commitment to enacting a comprehensive ecosystem-based plan that puts in place strong policies to protect groundwater and surface water, natural heritage and rural character of the moraine while directing new growth to settlement areas. We have been looking forward to this day for a long time now." I think most people did consider that this was a surprise when it came out.

Some municipalities that were affected—of course, many municipalities, because it is the largest moraine in this province—but the regional municipality of York

issued a news release on November 1, saying the region "welcomed the Ontario government's introduction of new legislation designed to protect the environmentally sensitive Oak Ridges moraine." York Regional Chair Bill Fisch, a member of the advisory panel, said, "York region has long stressed the need for a firm set of regulations regarding future planning measures for the Oak Ridges moraine. The introduction of provincial legislation is critical to the protection of the moraine today and for future generations."

The regional municipality of Peel also issued a news release on November 1 expressing support for the government's proposed legislation. Peel Regional Chair Emil Kolb said, "We are pleased the province has made such a substantial commitment to the preservation of the Oak Ridges moraine. The proposed plan reflects a vision that will protect the moraine's natural assets now and in the years to come. This is a comprehensive plan that is good news for future generations."

David Miller, Toronto councillor and chair of the Oak Ridges moraine steering committee was quoted in a news release issued by the city as saying, "This announcement gives all residents of southern Ontario a reason to celebrate. Today is a day to commend the province for making this decision that will protect one of the last natural regions in southern Ontario for future generations."

Robert F Kennedy Jr—I couldn't believe this, but Robert Kennedy Jr was in town for a fundraising dinner—was quoted in the Star as saying, "This is a good example of what government is supposed to do and what political leaders are supposed to do. I applaud Mike Harris for taking a long view of this province." From Robert Kennedy Jr; I think that's phenomenal. Of course, the Kennedy name is such a phenomenal name in American politics. It was so nice to see him make that type of a comment about the province of Ontario.

Even the media, who have not been kind to our government at times, have also been very supportive of this approach. An editorial in the November 5 Globe and Mail says of the legislation, "Overdue? Yes. Welcome? Absolutely. Better still, imaginative brokering, swapping moraine lands for less sensitive crown land elsewhere, let all sides claim a measure of victory."

The Globe's John Barber said in the November 3 paper, "When the full effect of this week's work becomes apparent—in 40 or 50 years' time—the Mike Harris memorial greenway will be seen for what it is: priceless." Excellent stuff.

A Toronto Star editorial on November 2 carried the headline: "Welcome Decision to Protect the Moraine." It went on to say, "Hodgson and his cabinet colleagues deserve credit for listening. Three provincial governments have grappled with this tough issue. Finally this government has acted." It's not uncommon for this government to act. We've made some tough decisions; everyone knows those decisions were tough. They've been difficult, but this is another one of those. "This is a huge victory. It preserves the moraine as a continuous

green corridor and guarantees that scenic Bond and Philips lakes remain in their natural state.” The editorial concluded, “An important landmark has been saved for future generations.”

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The Star’s recently retired columnist David Lewis Stein, who has had a long-standing interest in the moraine—I think we’ve all read David Lewis Stein’s articles on the moraine over the years—came out of retirement to praise the legislation in his November 2 article, *Tories Earn Kudos for Moraine Ruling*: “A round of cheers for the Mike Harris government and Municipal Affairs Minister Chris Hodgson.” Later in the article he says, “They listened to the people. It’s called democracy, and I love it.” Coming from David Lewis Stein, it’s phenomenal.

The Toronto Sun’s Connie Woodcock wrote about the government’s legislation in her November 5 column. In it she says, “You have to hand it to the Harris government. When they get behind an idea, they carry through.” She concludes that the moraine “... was like many other issues the Harris government has dealt with—it was just common sense.”

Those are such nice things to hear from the media, from municipal leaders and from many of the stakeholders who worked on the advisory panel and are now commenting on Minister Hodgson’s legislation.

I say to Minister Hodgson again that he’s had some great legislation in the last few weeks. The brownfields—I know we debated that in full here and had a voice vote the other night. I’m not sure if you supported it or not in the end. It was a voice vote, so I wasn’t really sure where the opposition came from on it. And of course I give Minister Hodgson a lot of kudos on the Municipal Act, which we will be debating as well.

Of course, I give a pat on the back and a lot of credit to my colleague the member from Oak Ridges, who has worked extremely hard with his ratepayers and municipalities throughout the Oak Ridges moraine area. He has certainly shown a lot of leadership on this issue among the cabinet and among the caucus, and I congratulate him and all the members from the moraine area.

One thing I want to speak on for a few moments is the other moraines in the province. The minister said the other sensitive areas across the province should be dealt with, with the same concern. I really hope this is a fact. In my area, we have the Oro moraine between Orillia and Barrie. For the people in my area, which is not as densely populated as the Oak Ridges area, it’s just as important, and we’re dealing with that. It’s interesting to note that, because I think we are probably years ahead in the process right now. We’ve got a number of committees set up in the township of Oro-Medonte that are dealing with the concerns the residents have in that area.

Last year—I think it was on March 29—I hosted an Oro moraine symposium at the Guthrie arena in Oro township. I had speakers from all different stakeholder groups. The stakeholders all gave a non-partisan view of development and of the concerns they have for the

moraine. That included, for example, people from one of the ski resorts or golf courses. A gentleman who came to the meeting—I won’t mention his name—had never heard of the word “moraine.” It’s not something that gets out there. It’s not a topic in some other areas of the province like it is in the Oak Ridges area. But certainly it has become an important issue in my riding.

In the Oro moraine we have a number of development plans, subdivision approvals or draft plans that people would like to go ahead with. It also has rolling hills with wonderful groundwater. When people drill into this moraine—for example, the village of Coldwater or the little community of Warminster—they get good water. The subdivision plans along with a number of vacant lots are important to the community, but it is also important that these lots be developed with care.

When I had the Oro moraine symposium at the Guthrie arena last March, I was surprised at the interest, at the number of people who came out to take part in the day. Something like 300 people showed up on, I believe, a Tuesday afternoon to take part in this. We had a light lunch, but people stayed around right till the end of the day and talked to all the speakers, to the different stakeholders. It was so interesting to see their concerns. They want to protect this land, the same as the people in Oak Ridges do and probably the same as the other people who occupy the lands on the other 400 moraines across our province. It was an interesting day, and I was so pleased to have hosted that event. I plan to do others in the future, because I think it’s important that we listen to all the stakeholders and that we develop all these areas with care—and that’s after the county of Simcoe and the township of Oro-Medonte actually placed important policies in their official plans.

I know that when we put the groundwater policies in the county of Simcoe plan, a number of people were quite disappointed. They thought we were being too environmentally sensitive or too strict on it with the ANSIs and the natural heritage corridors etc. But we carried on with that as well, and I’m glad now that we did have those policies put in the county of Simcoe official plan. But I think more work still has to be done, and I hope our colleagues here on both sides of the House will take an active role in making sure we do protect all moraines across the province, not just the Oak Ridges moraine, which of course is so important to communities around the GTA.

I want to talk a little about water resources, natural features and green legacy. The Oak Ridges Moraine Conservation Act and plan would protect natural and water resources features on the moraine, preserve agricultural land and direct development to approved settlement areas. As Mr Klees said a little earlier, the legislation would require all new planning applications made on or after November 17 to conform to the proposed Oak Ridges moraine plan. Within 18 months, municipalities would be required to amend their official plans and zoning bylaws to conform to the proposed plan. The proposed plan would be ecologically based.

Then we have to talk a little about protection of our water resources. It's so interesting to listen to some of the people who were involved in the advisory panel. I talked as well to some people when I hosted my Oro moraine symposium; I had some people from the different areas of the GTA and from the Oak Ridges moraine. They came up and spoke of that as well and had the same types of concerns, and they put some good policies out for the people of Oro township to take a serious look at. This particular act includes strong policies to protect water quality and quantity. It would protect headwaters, cold-water streams such as those running into Lake Simcoe and all the kettle lakes on the moraine.

The plan would require innovative storm water management practices to protect sensitive recharge areas and prohibit technologies that cause rapid infiltration of storm water into the groundwater. Of course, we know how important it is that we make sure we don't contaminate any of the groundwater whatsoever.

Limits would be placed on the amount of impervious or hard surfaces within watersheds. This is needed to protect the natural hydrological cycle, maintain groundwater recharge and reduce the potential of flooding and erosion that can often come with large usages of water.

The proposed plan would require municipalities to delineate wellhead protection areas for all new and existing municipal wells. They would also have to prepare management plans to control and restrict activities that can harm groundwater.

If I could just back up one minute to the Oro moraine area, right now I'm trying to convince the main township, Oro-Medonte, to take a serious look at using the healthy futures project to have the municipality work in partnership with the province to protect all types of wells. As a lot of people in this room are probably aware—others may not be aware of it—a number of wells have been abandoned in the past across our province, and those wells may allow groundwater to get into our aquifers. The healthy futures project that I have in mind for the township of Oro-Medonte, if we can get approval to go ahead with the project, would actually provide assistance for the municipality to identify all the abandoned wells that are in the region and cap them properly so that any type of surface runoff wouldn't affect these wells. I think that's a project that's above and beyond what we're discussing here tonight, but I did want to point out in Hansard that it's important that, when we're protecting our groundwater, we also look at abandoning wells properly.

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I see my friend over there, the Minister of Agriculture, Food and Rural Affairs. I know that his ministry is looking after some of these projects and healthy futures is one of the areas they're doing.

It's been an honour to stand here tonight and make a few comments on the legislation that Minister Hodgson has brought forth. But, as well, I think it's a time to praise everyone here in the Legislature to see that this has finally been introduced. It's a bold move on behalf of our

government. We're very pleased that there have been so many positive comments about it. I think it sets a tone for the future in the development industry and in how we protect our groundwater resources, particularly in the moraine areas, the very sensitive areas across our province.

With that, Mr Speaker, I'd like to thank you for the opportunity to say a few words here tonight. Again, I'd like to congratulate Minister Hodgson for a job well done, his staff at the Municipality of Municipal Affairs, as well as the advisory panel for an excellent job in getting to the table, putting a time frame on this and making sure that the legislation was introduced before the November 17 deadline. With that, I'd like to finish my comments for this evening.

The Deputy Speaker: Members now have up to two minutes for questions and comments.

Mr James J. Bradley (St Catharines): There was actually a little bit of time left, and I thought that one of the members on the government side would have taken the time to heap considerable praise on the Liberal member for Eglinton-Lawrence, Mike Colle, who worked so hard to bring this issue to the forefront.

Now, everybody who's objective out there knows that if it hadn't been for Mike Colle travelling back and forth across the Oak Ridges moraine, holding the public meetings, meeting with the municipal councillors, carrying out a campaign, the likes of which I've never seen before, we would not have had this decision. I remember his tough questions in the House. I remember the answers that were given by the government, Mr Clement, when he was the minister of both municipal affairs and environment at the same time. I remember how they laughed at Mike Colle and said that what he wanted was a pipe dream, when we really knew the pipe dream was on the government side—they wanted the pipe up to King City.

I often think it's important that when a government makes a decision of this kind, just as the opposition is effusive in its praise of government initiatives from time to time—I don't recall one right now, but I know that from time to time that does happen—one of the members on the government side, and perhaps they'll use the two-minute intervention, will get up to extol the virtues of Mike Colle, the member for Eglinton-Lawrence, who almost by himself brought this issue to public attention.

I take a step back, because while I was interested in it and the environmental aspect of it, the person who showed the real enthusiasm, the reason we have this decision made by this government, is because of the pressure from my good friend Mike Colle. I know one of the members was supposed to get up to say that and didn't have the opportunity to do so.

Mr Gilles Bisson (Timmins-James Bay): I just want to say it was interesting to hear one of the comments from the member for Simcoe North, who said this was the first good piece of legislation he had seen come through this place in a long time. I agree this is one of the few times in this Legislature that we've seen the government actually introduce a piece of legislation that is, in

the end, going to do some good in the province of Ontario. For that, I congratulate the government and say, "A job well done."

The point I want to make here is simply this: I notice a number of members on the Conservative benches are feeling much more easy tonight because they like the feeling. They like the feeling of having introduced a positive bill. They like the feeling of having their critics say, "Hey, for once you've done it right." I just say to the government across the way, you should do it more often. You should do it on a whole bunch of issues ranging from the things we could be doing for the economy. For example, you could reduce the PST, as my leader Howard Hampton has been suggesting for the past number of weeks now. People across Ontario would see that as a good thing. You could restore the funding cuts we've seen and the new funding formula that was introduced some years ago by the Ministry of Education. That would make you feel warm and fuzzy inside, I'm sure. By the end of the evening you could be feeling even better if the government were to speak on issues of such passion and introduce legislation as sweeping as this.

I also want to say that I'm a little dismayed, however, that the government is somewhat revisionist in its history of the moraine. It was really only the member for Simcoe North and, I think, the former whip, who actually gave some credit to other governments who have done a lot of work on this particular issue for years. I was dismayed with Mr Gilchrist because, according to him, nothing positive ever happened before 1995. You know very well that a lot of the work that led to where we are now is the work done by residents and former governments as well. We can all take credit for what's happened here tonight as being a good thing for the province of Ontario, in which we've all shared in the work.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I'd like to speak in response to the three government members who spoke this evening on this bill.

The member for Scarborough East gave somewhat of a history of how the bill came into place.

Mr Bradley: Any conversion?

Mr Tilson: Well, yes, there was some controversy with respect to it.

The member for Oak Ridges, of course, talked more of the process of the bill and explained what the bill is going to do. I think it sounds like all members of the House are going to support the bill.

The member for Simcoe North, of course, listed off the support that's been given from all sides with respect to supporting the bill, everyone from the Toronto Star to Robert Kennedy Jr, which is remarkable in itself.

The Oak Ridges moraine does come into my riding on the far western portion of it. It affects specifically the town of Caledon and the town of Mono. I can only say I've heard absolutely zero criticism of it from the people in my riding. They support the bill and have congratulated the minister.

The press conference announcing the legislation and announcing the work that was done by the advisory panel

was held in my riding. The specific areas, of course, are in Caledon East and in Palgrave, in my riding, where there were some concerns as to development that is affecting the Oak Ridges moraine.

The member for Oak Ridges, in particular, talked about how this area is going to be saved for once and for all. The people came together, which is quite remarkable, because there was substantial concern about the legislation. They did, and this legislation came about, thanks to the advisory panel.

Mr Ernie Parsons (Prince Edward-Hastings): It struck me that it's a shame that this government delisted physiotherapy services because quite a number of members over there are potentially going to hurt themselves patting themselves on the back for what really is a Mike Colle bill. I note and recall the heckling that took place when he introduced a private member's bill. It takes a good person to admit they were wrong and Mr Colle was right, and I thank you for that.

Mr David Caplan (Don Valley East): That would be Bill 12, which they defeated.

Mr Parsons: That's right. Bill 12, which they defeated.

The statement was made earlier that this is the finest piece of legislation this government has ever introduced and I concur with that, but I think that's more a reflection on the other bills than it is on this one. But it certainly is good to see it.

However, to think it is the end-all and be-all to everything is to ignore the reality. Yes, it's a good bill; yes, it will preserve the moraine; yes, it will preserve the water supplies for much of Ontario. But what it does, and no one wants to talk about it, is that it drives development off the moraine, where it doesn't belong, on to prime agricultural farmland, where it doesn't belong either. So to deal with one part of the problem and ignore the other is a grave injustice to the farmland of our province. I can almost cry when I drive through parts of urbanized Ontario and watch the very best of farmland that is now growing houses and factories.

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I was involved in highway construction many years ago where we built a new highway. We took and removed the asphalt from the old highway, and to this day it won't grow dandelions. The land, when it goes out of production for food, is gone forever. Developers, knowing that they need to meet the demand, will simply look off the moraine and look at land that has soil classifications of 1 or 2 that we urgently and vitally need for our children and our grandchildren and so forth. So the government needs to say, "We've started a solution, but we're a long way from finishing it, because we need to determine and manage where development will go." The job isn't done. I hope this government thinks about that, but I worry.

The Deputy Speaker: One of the original speakers now has up to two minutes to respond.

Mr Klees: I want to thank all members who have participated in this debate this evening.

As usual, the member for Prince Edward-Hastings could not hold himself back from his partisan bent to somehow find something wrong with what the government has done.

Mr Bradley: Well, that's easy.

Mr Klees: It was hard for him. He scratched, but he did find something. The truth of the matter is that, yes, development has to go somewhere. The choice was made as to whether it should be in the sensitive areas of the moraine or the option of the Seaton lands, which had already been designated a number of years ago for development of some sort. That choice was made. I think it was a very wise one, and I think even he, in his quiet moments, will agree.

The members for Dufferin-Peel-Wellington-Grey, Timmins-James Bay and St Catharines all, even though some were more hidden in terms of their accolades of what we have done here—you could just hear as you read between the lines, as you listened carefully, that they were also endorsing what the government has done here.

I want to once again thank the people who were at the table to work out these solutions, whether they be developers, whether they be representatives of environmental groups, whether they be representatives from municipal government, and there were many who played a key role there, or the staff from our government ministries. All, I believe, can take great pride in what is being accomplished in this House today through this legislation. I know that even you, Speaker, in your wisdom, agree that this is good legislation, good public policy for Ontario.

The Deputy Speaker: The floor is open for further debate.

Mr Bradley: I came to the conclusion a number of years ago that when members—first of all, I should ask for unanimous consent of the House to step down the leadoff for the official opposition.

The Deputy Speaker: There is a request for unanimous consent to stand down the leadoff for the official opposition. Is it agreed? I hear agreement.

Mr Bradley: A wise decision, because I was ready to go the full hour. I will not do that.

Now, one thing I discovered in politics, first of all, is that when members get on the government side, they grow a third hand to pat themselves on the back. That's your job. I didn't expect, with this piece of legislation, that any member would get up and condemn it or find anything wrong with it, and I don't condemn you for that. A person in the media once asked me after a budget, "Don't you have anything good to say about the budget?" I gave them Bart Maves's telephone number. I said, "Mr Maves is a government member. He will extol the virtues of the budget. I will tell you where I think the deficiencies are, and I might find one or two things with which I am in agreement." But basically a government does that, and I expect that to happen. So I don't think you should get up your hopes that somehow I'm going to heap only praise on the government with this piece of legislation, although I understand the satisfaction that some members

who were under considerable political fire must feel today at having had their feet pulled off those hot coals. That would probably include the member for Oak Ridges, but he would be in a better position to tell me that.

I wanted to start off—the Solicitor General has new glasses on today. I don't know what to make of them, but he needs them to be able to see the fact that the Liberal member for Eglinton-Lawrence, Mike Colle, led the crusade in favour of saving the Oak Ridges moraine.

A few years ago, these people on the other side, on the government side, didn't even know what the Oak Ridges moraine was, outside of perhaps some of the members who represented the area—I will concede that—and my friend from Peel and Wellington and other places, Dufferin, who has a view similar to mine on the Niagara Escarpment, a view which I worry is a minority view within the Conservative caucus. Nevertheless, I happen to think that he believes this decision was appropriate, and I'm glad that the government has been dragged kicking and screaming into making a decision of this kind. The road to Damascus, as I mentioned the other day, is full of those converts on the government side who now wish to cloak themselves in an environmental coat, which is ill-fitting, I would suggest, when one looks at the total environmental record of this government.

I thought that with the public meetings that were held with hundreds upon hundreds of people, Mike Colle spearheading them time after time, and others from the municipal field and environmentalists—I want to pay tribute to them, the crowd who showed up at these meetings, at the OMB meetings, at public meetings, who wrote letters to newspapers, who in their own local areas tried to persuade the municipal politicians of the virtues of saving the Oak Ridges moraine. I want to pay tribute to all of those individuals.

Quite obviously from the questions that were directed by Mr Colle and Dalton McGuinty, the Leader of the Opposition, and others to the relevant ministers—for the most part the Honourable Tony Clement, who was then Minister of Municipal Affairs and Minister of the Environment—we could tell by the answers that this government had no intention of moving in the direction that was announced just a few days ago, but they recognized that the public pressure was building. First of all, the government was down in the polls considerably and consistently. So they have to rescue that.

Mr Frank Mazzilli (London-Fanshawe): That's changing.

Mr Bradley: Well, they tend to go up and down, I say to the member for London. I have been around this place long enough to know they go up and down. But the government perceived that there was a lowering of their standing in the polls for a rather lengthy period of time and some entrenched negative views about the government. So that had to be overturned. That was a persuading factor.

Probably the single event that convinced the government that they must do a 180-degree turn on this, a full

retreat, get out the white flag and wave it, listening to the beep, beep, beep as the government backed up on this issue, was the overwhelming victory of the opposition, the Liberal Party in this case, in Vaughan-King-Aurora, a seat which I think the government saw as a strong seat for them in what is called greater Toronto or, as they call it, the 905 area. And they lost almost 2 to 1 in that particular seat, complete with the Mike Harris signs—I thought Mike Harris was running, because I saw his name on the sign. I didn't know who the candidate was for the Conservatives, but Mike Harris's name was there. I think that's fair enough. You want to accentuate the positive. And they got creamed in that by-election. That was a telling point. That was a watershed, if you will, in the decision to be made that concerns the legislation before us tonight.

The confirmation of that came when the Tories ended up losing their deposit in Beaches-East York and finishing, I think, with about 10% of the vote in that area.

Mr Caplan: Or less.

Mr Bradley: Or less than 10% of the vote. I think there was a recognition the government was in trouble, so they would have to start doing what (a) never in their wildest dreams they had any intention of doing, and (b) to this day, to this point in time, they still don't want to do, because we recognize they stacked the Ontario Municipal Board with right-wing Tories who will make pro-development decisions.

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Mr Caplan: Like whom? Name names.

Mr Bradley: I have seen person after person on the board. We watch them as those appointments are made and they're pro-development people. If I had the full hour I would start naming names, but I don't have the full hour. So we see that.

We know who comes to the fundraisers. My gosh, those developers just pour into the Tory fundraisers and give all kinds of money to them. So I understood that there was a feeling that somehow if you're going to preserve the Oak Ridges moraine, you'd better give the developers a consolation prize. Indeed they gave them a consolation prize, and that is some prime farmland east of the city of Toronto, farmland that is going to be developed now and that may be of even greater value than the land the developers have at the present time. Some good investigative reporters, when they're finished looking for anthrax, will certainly get their attention on this issue. I issue a challenge to the investigative reporters out there to start looking for this, just as I say to the government side, I've issued a challenge to all reporters to ask the Premier, when he asks for more money for health care, "Premier, don't you really want that money to pay for the tax cut that you're giving, the \$2.2-billion tax gift for the corporations?" I have a hard time getting them to ask that question. So I hope I'm more successful at encouraging those hard-nosed investigative reporters to see the sweetheart deals that will emerge from this land transfer.

You see, I'm one who believes that government, whether it's the local, provincial or federal level, has no obligation to bail speculators out. Where land is zoned for a specific reason and it's through the process and the government does a reversal, there may be a case to be made for compensation. But simply because somebody buys some natural land or farmland and keeps it and someday wants to develop it, and the government says, "No, it's staying as farmland or it's staying as natural land," I don't think a government has any obligation to bail out a speculator any more than it does when they're speculating, for instance, in the stock market. By the way, I should say, speaking of the stock market, I see that there are some real problems in the supervisory issues surrounding the stock market that some day should be the subject of some questions in this House. But we'll leave that for yet another day.

I think it would have been preferable to have something similar to—perhaps the member for Dufferin-Peel would agree with me—the Niagara Escarpment Commission to preside over the Oak Ridges moraine. I should mention, as I have on many occasions, and in fairness because I like to be fair, that my friend Norm Sterling, now Minister of Consumer and Business Services, when he was Provincial Secretary for Resources Development—a misnomer, I might say, in that case—he was the one who developed the first plan for the Niagara Escarpment, so that we have a Niagara Escarpment Commission and a plan. He was yanked out of the responsibility for that by the Premier. It was taken from the Ministry of the Environment and from Norm Sterling and given to the Ministry of Natural Resources, a major mistake if I ever saw one.

I think that the Niagara Escarpment Commission has done a pretty good job. I've disagreed with some of their decisions. There was a recent one that I have some problems with. But I think they've generally done a pretty good job of preserving that land. It's annoyed a lot of people. It's annoyed the member for Bruce-Grey-Owen Sound to a large extent, a man, as I would say when he's in the House—I don't say it when he's out of the House—who never saw a severance he didn't like when he was a municipal councillor. Bill would consider that, I want to say, not an insult. He would consider that to be a compliment, as we all know Bill. So I think a Niagara Escarpment Commission on the Oak Ridges moraine would be most appropriate, that kind of commission.

I want to thank the municipal councillors who were brave enough to resist development, because there are some municipal councillors who think that paradise is reached when you've paved every last square centimetre within the jurisdiction that you represent and suitably incur the support of the developers who will help finance your campaign. But I want to pay tribute to those municipal councillors who had the intestinal fortitude and the foresight to fight against this government when this government was bound and determined it was going to pave the Oak Ridges moraine, and finally convert the

non-environmentalists to at least wearing an environmental cloak for the time being.

I want to say that Mike Colle was responsible for a couple of great private members' bills before this House. The government ridiculed Mr Colle; they voted against his bills sometimes. When he asked questions in the House, he was criticized and chastised by the ministers who gave the answers. He made statements in the House, he made statements outside of the House, again fighting on behalf of saving the Oak Ridges moraine. The early days of ridicule tell you what this government really thinks of this issue. They don't want to do what they're doing in this bill and they never had any intention of doing it. If you let them away with it, I don't think you can trust them down the line to maintain this position, because they will start to waver.

Nevertheless, of what we see in the bill, and we have to deal with what's in the bill, probably to the extent that they're in the bill, there are many, many aspects that are supportable. I'm always suspicious of the provision for the making of regulations. When you leave a lot of the decision-making to the cabinet behind closed doors, when they're promulgating the various regulations that go with the legislation, that's where the deals can be made. That's where there can be backsliding on this issue. Unfortunately, this House and the public are not a party to those decisions, and I think as much as possible should be found in the legislation and not in the regulatory framework.

I think there is finally an understanding out there, even among the pro-development crowd, that the kind of urban sprawl that's taking place in Ontario is not healthy. The government continues to encourage it through some of its road building programs in the province. Some are good and some are not, but it tends to encourage that through its policies. They changed, for instance, the provincial Planning Act. Mr Speaker, you were a member of a government that brought in the changes to that Planning Act that made municipalities, in essence, adhere to the provincial policy statements that were out there, the provisions of the Planning Act. One of the first things this government did was weaken that. As a result, we started to see the urbanization of rural areas in our province at an alarming rate.

We are losing thousands of acres of prime farmland and thousands of acres of good natural land per year to development that is gobbling it up, often development that is not in the best long-term interests of the people of this province. I see in my own area of the Niagara Peninsula land disappearing, again at an alarming rate. I think that the urban boundaries that have been permitted are ridiculously easy and should have been much more confined. I think there are natural areas that should not be gobbled up by development that I see taking place in various parts of the province. Unfortunately, they're going to close the door after the horse is out of the barn. That's most unfortunate, because we've lost a lot of it.

Drive along Highway 8 now, as people used to, along the Niagara Peninsula for a scenic drive. You can see

development taking place. No longer is it the same scenic drive it used to be, because this government is allowing virtually unrestricted development to take place in those areas which were good for fruitland, the reason being that (a) the soils were conducive to it and (b) the climatic conditions were conducive to it. I see the government now as going to get into another battle when it gets east of Toronto into some prime farmland.

What I do think is supportable, and I think there's a consensus in this House, though the bill was not anything to write home about, because it had some deficiencies in it—but a lot of good things in it too—is the potential for brownfields development. I think that is some potential which allows for intensification, which allows for the revitalization of the cores of various of our cities and towns, and even along the periphery of those municipalities. That is where I think our emphasis in this House and this province should be placed in the next number of years.

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We are going to need, I think, the rehiring of the staff in the Ministry of the Environment and the Ministry of Natural Resources to supervise some of the activity that is contemplated within this bill. We all recognize that in 1996 the provincial government, the Harris government, cut one third of the staff of the Ministry of the Environment and about 45% of the operating budget, and virtually all of the capital budget disappeared. We had similar cuts in the Ministry of Natural Resources and in the Ministry of Municipal Affairs. As a result, there are not the people within government to supervise this kind of activity.

I'm worried as well about the almost open door to aggregate development contained within the Oak Ridges moraine. We recognize we need aggregate. I'm not a person who lives in another world, who doesn't recognize you need aggregate, but I worry about the weak provisions within this legislation as they relate to controlling aggregate extraction activities in this province.

I think we have, then, before us today a bill that has been hatched from, that has resulted from, intense pressure by environmentalists, by my friend Mike Colle, by many people in the opposition, perhaps even by some members within the government. I see Ted Arnott here. I would think that he would probably be one who would have been persuasive. There were also some who were converted, I might say.

Interjection: What about me?

Mr Bradley: I wouldn't include the member for Dufferin-Peel or the member for Waterloo-Wellington in that. I think they were probably both people who would have been onside with this. But I'll tell you, it's difficult to stomach some of the people who are now portraying themselves as environmentalists, who at one time couldn't wait to pave anything and everything that wasn't moving within the province, and even some that was moving within the province.

So we have this bill before us. I want again, as I get into my last minute, to reissue the challenge to investi-

gative reporters to see what kind of deals will be done with the land swaps, because I suspect that some of the people who will be getting the most prime of developable land, which will be farmland, may be people who could be found on the list of contributors to the Progressive Conservative Party of Ontario. I don't know that right now; I'd have to go to check the records. But I think that would be probably a pretty good guess.

There are some transition issues I'm worried about that I know further people on our side of the House will speak to: new infrastructures, including major new 400-series highways, are allowed in areas in the moraine. One has to see how that could possibly be compatible with the preservation of the Oak Ridges moraine.

We have a piece of legislation that I'm pleased is before us, and I again thank my friend Mike Colle for making sure it's here.

The Deputy Speaker: The members now have up to two minutes for questions or comments.

Mr Bisson: I know that the member for St Catharines forgot to give some credit where credit is due. He wanted to talk about the work that Mr Colle had done, but he forgot to mention the work that Marilyn Churley has done over the past number of years on this very issue.

I remember this forgetting on the part of the member for St Catharines. I just have to point out a couple of things. First of all, it was our government from 1990 to 1995 that did two very important things when it came to the moraine. One part of it had to do with the Planning Act. As you know, much of what was in the Planning Act dealt with issues that this government is now having to deal with by way of what they've done in this legislation. We, through our Planning Act, made changes that have made it difficult for developers to develop lands such as the lands on the moraine. Unfortunately, it was the Conservative government that scrapped that legislation in 1995, and that's how we find ourselves having to find a way of saving the moraine all over again. I know that in our time in government from 1990 to 1995, Marilyn Churley along with Ruth Grier and a few others I'd like to name were very instrumental in making that happen.

In opposition, in 1995 and again in 1999, Marilyn Churley introduced not one but two bills that passed in this House: one in her name, the second one in the name of Shelley Martel. I give Shelley Martel some credit as well for having passed two bills in this House in order to protect the moraine.

I know that was just an oversight by the member for St Catharines—

Mr Bradley: I didn't have time.

Mr Bisson: —who I realize did not have time in his 20 minutes, but I know he will make sure to comment on those two particular points as he gets around to his opportunity to respond to what I say.

It comes back to what I said originally. Many people have worked on this issue, many governments have worked on this issue, and I think we can all take credit for having done what is the right thing for the moraine. My special congratulations to Marilyn Churley.

Mr Klees: It's always a pleasure to listen to the member for St Catharines. I must tell him though that my mother, as she watches these debates, is very concerned that the member for St Catharines never has anything good to say about our government. He has explained himself tonight, and that is that it's not that he doesn't believe there are good things, it's just that he feels it's not his role to express them. We understand that.

The member made reference to Mr Colle's private members' bills relating to the Oak Ridges moraine. What he failed to do though, and I can understand why, was articulate the fact that those private members' bills—we can go back and look at them very carefully—were so simplistic in terms of what they were proposing, without regard to property rights, without regard to due process. They were politically very astute because they used the language that appealed to people who wanted to protect the moraine.

But there was not the balance in those bills that we have in this legislation, that addresses the issues of property rights, that does not result in people being effectively bankrupted, which is what could be the outcome if there wasn't the issue of compensation and appropriate time-lines being provided, with also the appropriate grandfathering for existing applications that are there, that were approved under existing rules. Again to the credit of the drafters of this legislation and the minister, we have that balance in this legislation which will serve us all well.

Mr Caplan: I want to congratulate the member for St Catharines. I think he had an excellent speech about what is contained within Bill 122 and what isn't. I must admit that much of the focus should go to the member from Eglinton-Lawrence, who introduced Bill 12. I was here for that debate. I was here for that vote. I remember that members from both the official opposition and the third party supported that measure. I know that members from the government, including the last speaker, opposed Bill 12. I can read the title: An Act to protect the Oak Ridges Moraine. This bill was originally introduced back in 1999, over two years ago. In this time, a two-year delay, how many horses have run out of the barn door? Now we're going to slam it shut.

I have some questions for the member from St Catharines, and perhaps he would be good enough to answer them. I'm predicting that it wasn't environmental noblesse oblige on behalf of the Progressive Conservative government, that rather it was their polling numbers which told them this was a resonant issue. I would be very curious to ask the member for St Catharines his thoughts on what the polling of the government of the day is that would indicate to them why this is a compelling issue.

I have one other question for the member from St Catharines, and it is precisely this: I foresee within the next weeks if not months that there will be an extensive media campaign on behalf of the government, probably prominently featuring pictures and names of various cabinet ministers and members of the government hoping

to attach themselves to this issue. I am just wondering if the member for St Catharines would have a comment about the kind of practices that we've seen coming from this government.

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Mr Tilson: I would have liked it if the member for St Catharines had talked about the speed with which this issue came about. It is quite remarkable when you look at all issues in this place as to how long they take. Mind you, this has been discussed for some time, when you figure that back in January of this year the Premier announced the Smart Growth consultation process, in May the bill was introduced, in June he appointed the interministerial team and the external advisory panel and then finally, in July and August, there were extensive consultations by the advisory panel, which met all throughout the Oak Ridges moraine to try and determine some sort of consensus to develop this plan. Indeed, there were a number of recommendations made by this panel to Minister Hodgson for a strategy with respect to the future of the Oak Ridges moraine. In fact, those recommendations are the foundation of a consultation paper entitled, *Share Your Vision for the Oak Ridges Moraine*. In August, the minister released *Share Your Vision for the Oak Ridges Moraine*, and from August to September the public and stakeholders had an opportunity to comment on this document through written submissions. Finally, on November 1, the minister introduced the Oak Ridges Moraine Conservation Act.

That is quite remarkable in such a short period of time, to go from January to now and produce the legislation. My congratulations to the minister.

The Deputy Speaker: The member for St Catharines has up to two minutes to respond.

Mr Bradley: First, to my friend the member for Timmins-James Bay, I knew there was a two-minute time, that he would pay tribute to anyone he wanted to pay tribute to, and if he didn't, the member for Toronto-Danforth would pay tribute to herself for the work she has done in this regard. She will get a chance to speak next and I'm sure will explain the role that her party played. So I did leave that out.

To the member for Oak Ridges, I know his mother must wonder why he and his colleagues only talk about the good things they believe the government happens to be doing. It probably balances off a bit.

To my friend from Don Valley East who asked the question about polling numbers, you can bet your bottom dollar that one of the compelling reasons the government decided to change positions on this, to fully retreat from its original position on the Oak Ridges moraine, to throw in the towel, to wave the white flag, was because of the polling results. I should say that the taxpayers of this province paid for those polls and the government does not release the results until they are stale. So that's something else this government does that's an abuse of public office.

I hope there isn't a huge advertising campaign. I want to take the Chair of Management Board at his word when

he said the other day that there is going to be an end put to that kind of partisan advertising. If you want to call press conferences, if you want to do anything else, that's fine, but I do not want to see ministers' photographs and even some who have joined late, except if it's the Minister of Natural Resources.

Lastly, the member for Dufferin-Peel-Wellington-Grey and I agree on a number of issues related to land use planning, so I don't want to say anything negative to him at all.

I appreciate the remarks from all members of the Legislature.

The Deputy Speaker: The floor is now open for further debate.

Ms Marilyn Churley (Toronto-Danforth): I will take a whole hour and just spend the entire hour thanking the government for that. I am speaking for an hour here. I missed most of the debate, however—

Interjection.

Ms Churley: I'm sure I did—because Mr Gilchrist was chairing the general government committee in which we were holding hearings on the adoption disclosure bill. I could see people speaking on the TV, however, quite enthusiastically, and I heard as I was on my way in from some Tory member standing outside that I missed my name being taken in vain here. The Tories were, I believe, saying good things about me, God forbid, because I had congratulated them on their move to protect the Oak Ridges moraine, which is true; I did. I think it's incumbent on all of us in this House when the government very occasionally does something good—and, boy, were they ever dragged kicking and screaming into this one over the past few years.

I am going to outline, as I said when I spoke very briefly to this when the bill was introduced, some of my concerns, because I do have concerns. The government members shouldn't be crowing about how perfectly wonderful this is, because there are some legitimate issues and concerns we have to look at.

I want to start off by doing what I believe others have done before me—and not so much taking credit myself—and saying that Mike Colle in fact did tremendously good work on this bill. I think we all should acknowledge that, and I certainly want to do that. He and I have worked well and closely together on this bill. We have not generally played the partisan games that go on in this place all the time and which are going on, as you observe, tonight. But I'm happy to say that Mr Colle and I recognized that this issue, saving the Oak Ridges moraine, was bigger than partisan politics in this place. That was before the by-election in East York and after the by-election in East York. We were able when we were at meetings together, if one of us was on the podium and the other not, to allow the other person to speak, to introduce the other one, and always work together. I think that was important.

In fact, Shelley Martel kindly sponsored for me one of the bills that I put forward because I had to reserve my spot for my adoption bill, which is a subject for another

time. I want to thank her for the work she did on behalf of our caucus and indeed the whole Oak Ridges moraine community. We had two bills, and I think it was the second one. Mr Gilchrist will remember this because it actually got sent to the general government committee. I think to some extent that happened much to the chagrin of some Liberals because they certainly don't want to see especially me get my bills before committees. However, it was Mr Colle who made that happen. We talked about it and the importance of having every opposition member here that evening, and working together we were actually able to defeat the government on that bill and get it sent to general government. Now, it never got called before the committee. I had many conversations with Mr Gilchrist, and there were always reasons why it couldn't be put on, but it did get sent there.

Having said that, I think we can all crow about our own involvement in this issue, and there was substantive involvement certainly from this party as well. As I said, we put forward two bills. I want to point out that the NDP bills were not just dealing with saving the Oak Ridges moraine but also were dealing with the broader green planning issue, because many of the problems that emerged within the Oak Ridges moraine territory came about as a result of the government killing the green planning act which the NDP government brought in. I'm going to remind people again about that plan, because I was devastated when the government, as one of the very first things they did to respond to the demands from their developer friends, from whom they got so much money, got rid of that Planning Act.

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I should point out that that was the Planning Act in which John Sewell—and this is relevant to the debate tonight because we're talking about green planning here. We shouldn't just be talking about saving the Oak Ridges moraine but saving environmentally sensitive areas clear across the province. The NDP government hired John Sewell, Toby Vigod from the Canadian Environmental Law Association and others to travel the province. You'll remember this, Speaker. You were there at the time. I think they were out for two years. They came in under budget, which is almost unheard of when you hire consultants to do work for government, and they came in on time. They went all over the province, every nook and cranny across the province, and talked to people—municipal councillors, developers, environmentalists, ordinary people—about the Planning Act and what kinds of changes needed to be made and they reported back.

That bill, after extensive debate in the Legislature—although at that time many of you weren't here, I should remind the House that the Tories were sitting right here in this spot, and it could happen again.

Interjection.

Ms Churley: Yep. You were sitting right here and the Liberals were sitting there and we were sitting over there, and this side of the House, both the Liberals and the Tories, voted against Bill 163, the green planning act, on the basis—I think you were in agreement on this—that it

went too far. But we did bring in a very good bill. Fortunately, we had enough votes in the House at the time. We were the government, the majority, and brought this act in. Of course so many of the pieces of legislation that we brought in were extremely vulnerable. Employment equity, which was such an important bill that we brought in particularly for the disabled community, although for women and other groups as well, was thrown out after we'd worked for years. That's another example of a very good bill that we worked on.

Interestingly enough, the government came forward today—you've got to ask what's going on here. Are they down in the polls? Is there a leadership campaign? There's something going on, because suddenly these things that the government threw out, very progressive legislation from when we were in government—all of a sudden they're going down in the polls and there's a leadership race and many of them come from the Oak Ridges moraine area and they are coming forward with good legislation. That's true also—although there are numerous problems with the disability bill which I know I can't go into now because we're talking about something else, having this legislation come forward.

But I want to come back to the people we really need to thank, and that's nobody in this place. We acted in partnership with the community and the environmental groups, the Save the Oak Ridges Moraine group, all of those people and the thousands of people—thousands; I don't think I've ever seen anything like it—who came out at meeting after meeting to save the Oak Ridges moraine. I know I missed one big, important one and Mr Gilchrist, the member for Scarborough East, brought it up in the House and I was quite chagrined about that. I was very ill and it broke my heart that I was going to miss it, because I knew he was going to be there and Mike Colle was going to be there and they were going to speak, rah, rah, rah, and there was no representative from the NDP there. I heard about it, but unfortunately—

Mr Gilchrist: Actually, I took your position.

Ms Churley: Yes, Steve Gilchrist took my position, I'm sure. I was ill that night and regret to this day that I was unable to make it. But I attended other meetings and heard first hand from the people in Uxbridge and Richmond Hill and other areas in the Oak Ridges moraine, plus I attended meetings within the city of Toronto, working with David Miller, a city councillor, who took on this issue. They too played a role in this. They provided the money to citizens for an appeal. Of course, this is of great interest to the city of Toronto as well because the headwaters of our drinking water are at the headwaters of the Don River and the Humber. So we had an interest, but we were shut out, and it was our Toronto city council, through the leadership particularly of David Miller, that made sure the money was there and that we had an opportunity, as Toronto residents, to be involved.

But the people we really have to thank are those—and we acted as facilitators there. We presented our opposition private members' bills and they were different and had different components. Mike Colle had a Liberal bill.

We had a different bill that dealt with more than the Oak Ridges moraine but tried to bring back some of the green planning act that the NDP had brought in and the Tories had gotten rid of. Then Steve Gilchrist brought in a bill. What we were hoping was that they would all go before a committee and we could get all the best things out of our private members' bills. Of course, that never happened and they all died.

But the people remained absolutely consistent in their quest to save the Oak Ridges moraine. They kept coming out to meetings. They kept writing these e-mails. They kept being loud and aggressive. They would not shut up, they could not be shut up, and they should be congratulated, because not only did they get most of what they wanted in the Oak Ridges moraine—there are still some problems. I think they've acknowledged some of those, and as we look at the bill more we're going to have to address those problems. But just think about where they started from. I mean, it was going to be development everywhere. The Oak Ridges moraine would have been destroyed; our water would have been affected. It was absolutely unbelievable what they were going to be doing there in the Oak Ridges moraine. So we've come a long way, and those people should be proud and they should take full credit for getting this through. Even if it has something to do with the leadership campaign and being down in the polls, it all came together, it converged, and we won, they won, a major victory here.

I'm going to talk a bit about the bill itself, because many people are saying, "We've heard that there's an Oak Ridges moraine bill. What is in it? What does it say?" I think this is a good opportunity to let people know what's in the bill.

In my view, if you take a look at the bill itself at this point, it's a fairly empty shell. There's a lot of filling in to be done there. The most important powers are in the plan, the regulations or, in the case of deals being made with the landowners, with cases at the OMB, outside the scope of the bill altogether. That's a point I'm going to come back to eventually, because that is one of my very serious concerns with this bill and a concern of the NDP caucus.

Section 2 allows cabinet to designate the Oak Ridges moraine area. Section 3 allows cabinet to establish the Oak Ridges moraine plan. This is in draft form, and for people who are interested out there—I'll do a little free advertising for the government here; people should see this—it is on the ministry Web site. The plan in most respects does follow pretty faithfully the advisory panel recommendations. As well, there's the ministry press release and backgrounders around that. Again, people can look that up.

The plan calls for natural core areas to comprise 38% of the moraine. Natural linkage areas will comprise 24%; countryside will comprise 30%; and settlement areas will make up the final 8%. No new subdivisions will be allowed in any of the areas except for the settlement areas. However, a small amount of housing will be allowed in the countryside area, along with some institutional de-

velopment. New aggregate pits will be allowed in the natural linkage areas, which is a problem, I think. They always win, these people. Nobody ever hears of them, but in any kind of fight, I don't know what it is, but they do get their way on getting these aggregate areas kept open. But the corridors outside the pits—there is some constriction here—must be a minimum of 1.2 kilometres wide.

In addition to the various categories of protection, there is an overlay of protection provided by specific rules protecting significant natural heritage features such as wetlands. Outside the settlement areas and to some extent inside them, development is restricted to areas where these significant natural heritage features will not be disturbed.

Here's a regulation; listen closely to this one: "The minister may, by regulation, revoke the plan." That's in subsection 3(3). It would be preferable here if legislation was required and it would be, to say the least, a shame if the minister could—because this is in a regulation, not in the law, and I have a huge problem with that—wipe out all this work and natural protection with the stroke of a pen. We're not going to do it right now, but that is a problem, and a major problem.

Subsection 3(4) says that there shall be a review of the plan every 10 years. What they say about this review is that it should not consider reduction of the total area devoted to natural core and the total area devoted to linkage areas. It sounds a little gobbledygook here, but what this means is—I think it's good addition to the advisory panel recommendations by the minister, but it still leaves considerable scope for damage, say, in response to development pressures generated by—guess what?—provincial highway construction, which I will get back to as well. It's a problem. For example, the settlement area could be expanded at the expense of the countryside area.

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What else? Section 4 provides a list of objectives for the plan, and these seem relatively consistent with a conservationist approach.

Section 5 allows the plan to set out land use designations within its area and prohibit land uses or structures. It also allows cabinet to prohibit municipalities from adopting provisions that are more restrictive than the plan in prescribed areas. Ministry officials say these areas will be aggregates and agriculture, so we'll see how that shakes out.

Section 7 requires all decision-making bodies to conform to the plan, and no infrastructure that conflicts with the plan will be allowed to be built.

Section 8 provides that the plan prevails in the case of a conflict with an official plan, zoning bylaw or policy statement issued under section 3 of the Planning Act. That means some regions will have to amend their official plan. For instance, the regions of Peel, York and Durham will have to do that within a 12-month period, but if they don't do it, this plan will prevail anyway, and other municipalities will have 18 months to do this.

Planning applications will be subject to the same processes in place now, but the planning authorities will also have to conform to the plan. The minister may amend the plan, and right now his decision is final and not appealable in this respect.

Plan amendments would be by regulation. Municipalities would be given a copy of the proposed amendment and invited to make comments. The minister also, if written submissions are received, must either make the amendment or appoint a hearing officer, who will hold a hearing. The hearing officer then makes recommendations to the minister, but the minister's decision is final. So the minister has been given a tremendous amount of power here.

The plan applies in full to those development applications that were commenced after November 17, 2001. Parts of the plan prescribed by regulation—that's listed in clause 5(2)(b)—will apply to applications made before November 17, 2001, where no decision by the municipality has been made before November 17. So in effect, that's before the development freeze of last May. This is important; it does not apply to the cases where the municipalities made a decision and the matter is before the OMB. If a decision of any kind is being made by the municipality or other approval authority, the plan does not apply. We're waiting for the minister to get us a figure for the number of units that involves. The last I checked, we still were not given that information, and I'd like to know how many units that's going to be.

Developers owning these lands will not be bought out like those who are actually before the OMB. Ministry staff seem to imply that these lands are less ecologically important than the ones now before the board. I'm not so sure about that. I'm skeptical at this point. I don't know what others have to say about this, if they've looked closely enough at the plan, but I think I'd feel more comfortable if those lands came under the plan as well.

So that gives you some of the technical aspects of the bill. I'm going to stop here because—let me see if there's something else that I think the public might like to hear about in this bill.

Section 18 deals with matters before the OMB at the time of the freeze, and this section allows the minister to do one or both of the following: he can amend the official plan or zoning bylaw with respect to the matter by order, or he can notify the board that its consideration of the matter shall be deferred. This, in my view, amounts to rather less than an ironclad guarantee that these applications will not be allowed to proceed. The government has already announced that David Crombie has made a deal with the developers to exchange the land in Richmond Hill that was before the board for land in Seaton. Ontario government land in Pickering was designated for development but had not been developed. That had been done previously.

The government's proposing to make the Richmond Hill land into a showcase park, but at this point we have to take that on faith, because as it happens, the bill simply

does not provide those guarantees. Once again, that is a problem with huge chunks of this bill.

I don't think I'll go into other aspects of the bill. People who have been asking me about this can look it up and should certainly feel free to phone the minister's office or my office if they have any further questions about it. But the problem is that the bill requires that we take a great deal on faith here, that we take a great leap of faith. Having said that, I also understand that it would be very hard, and this is good, for the government to risk the anger of 905 voters by going back on the promises that they made last week, because most of those promises, for the time being, are carried out in the draft plan. I have a level of comfort at this time that the government won't do that, because of what I said previously. Way down in the polls, the Tories depend on votes in the 905 area. And there is a leadership race going on. Some of the contenders, some of the people who are planning on running—and not all of them from the area are planning on running—know that if they go back on this, they're in big trouble. So for the time being, I don't think that that's going to happen. But the potential is there for it to happen, right?

Another important question is whether the government is giving the developers more than they're actually legally entitled to, and I want to talk a bit about that for a moment. We talked to Rick Lindgren, who is counsel for the Canadian Environmental Law Association. Usually when I mention Rick Lindgren or anybody from the environmental law association, I hear howls from the government benches about these people, but tonight I don't hear a sound; that's probably a good thing. Rick Lindgren, who is a renowned lawyer in the environmental field and often comments on government environmental bills, pointed out that a 1985 Supreme Court decision allows municipalities to downzone properties without being forced to compensate property owners. This is a Supreme Court decision we're talking about and it's an important one to bear in mind. If, however, the government wishes to actually take over the land and do something with it, as they're doing now—establish a park, in some cases, on part of the land—then compensation would be required.

So you could say that since the Richmond Hill lands are being taken over for a park, that provision would apply in that case. But the landowners do not have the right to develop those lands as residential. This is why I want us to pay close attention to the developers and what kind of compensation they will be getting, because those properties were all zoned as agricultural, and it's my understanding—I may be wrong on this; if I'm wrong, I'd like it clarified—that all of the above also applies to the Gan Eden property, and I hear there are some special backroom deals going on there about that property. I hope I'm wrong, but that's what I'm hearing.

So you would say that logically, then, compensation in this case, in the form of a land swap, should only be given at the value the land has as agricultural land; and that is, I think, what may be in dispute here. What kind of

deals are being made with the landowners? We think those, especially if you fall under the Supreme Court decision, whose land is going to be turned into park should be compensated. But if the land was still zoned as agricultural, why should they be? They were speculators. That's often what developers are all about: speculating.

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Noise has been made about the protection of the Oak Ridges moraine. As you know, Speaker, when we were in government we were the ones who not only brought in the green planning act, but we also did an extensive study of the Oak Ridges moraine, which as you know got shelved by the Tory government, gathered dust and was never dealt with. We really have to keep a close eye on that property and make sure there aren't any special backroom deals being made with some of these developers because of their ties to the Tory government, and that they're fairly compensated in cases where they should be, but bearing in mind that under the law there's only certain forms of compensation they have to pay out. I'm just a little concerned—I've been getting the impression—that some of these developers are going to be paid at a higher compensation than strictly agricultural designation would require.

There's also the matter of the properties that were approved at some level by municipal councils but had not yet even gone to the OMB. The government seems to be content to let those proceed without reference to the plan. We should categorically oppose that. Absolutely, that is a piece that we are going to oppose.

Finally, there's also the question of what happens to the other land in the 905, especially class 1 agricultural land. The question is, now that they've decided to save the Oak Ridges moraine because of the political pressure, will it be, "Let 'er rip in the rest of the 905 area"? The Smart Growth councils that have been appointed by the government, after they got rid of the Greater Toronto Services Board, have yet to take form. This is going to be something we have to watch very closely, because the government has confirmed that developers will sit on these bodies. And they're not accountable; they're only accountable to the government—not to us, not to the taxpayers. It hasn't taken form yet, but I'm very, very concerned about it, especially in the context of this government's version—for heaven's sakes—of what they call Smart Growth. It's anything but smart growth, but it could provide an opening for the government to deliver for the developments on that prime agricultural land. That's something I want to let the government know that we're going to be paying very close attention to.

I want to point out, as I said earlier when I was talking about certain aspects of the bill, some of my concerns and the concerns of the New Democratic Party. The protections for the moraine area east of the greater Toronto area are actually weaker than the advisory panel recommended. Some of these areas are in the minister's riding. I don't quite understand what this is about. I'm not making any specific suggestions here, but why would

those parts in the minister's riding have weaker protections than were recommended by the advisory panel?

The aggregate extraction in natural linkage areas is also a concern. I have to tell you that the advisory panel, as I understand it, did not take a position on this one.

I want to talk about the concept of the land swap. I mentioned briefly, previously, some of the issues around that and how we have to watch closely that special sweetheart deals aren't made behind closed doors with certain developers who are close to the government. There is every indication that that is happening. We want every single land-swap deal made available to us, tabled in this Legislature. We do not want to see closed-door, behind-the-scenes, sweetheart deals going on where developers are being given more taxpayers' money than they deserve in this situation.

The whole issue around Seaton: in my view, from what I know about Seaton, there is some very sensitive—again, we're talking about some of it sitting on agricultural land, and very sensitive environmental land as well. I'm not sure if this is the right direction to go. I don't have a problem where it's legally advisable and fair to some of the landowners and developers to make some of these swaps. But others have mentioned it, and I want to say how strongly I feel about this. I'm going to get into the concept of Smart Growth here.

The Tory government of Ontario talks about Smart Growth as though building highways and building up areas outside the city, farmland, contributing to urban sprawl is a good idea. That's what they call Smart Growth. That term came from the US. It was coined, as I understand, by Gore, who was then the Vice-President. The concept was environmentally friendly growth, not building new highways; on the contrary, putting money into public transportation, not creating more urban sprawl but in fact creating the environment to redevelop brown-fields, to redevelop and continue to develop already built-up areas where the services already exist and public transportation exists. That is what Smart Growth is supposed to be all about. What this government talks about, when they talk about Smart Growth, is more highways. That's one of their plans, to build more highways.

I've got to tell you right now one of my biggest concerns about the bill, and I'm sure this is shared by my New Democratic colleagues: I'm opposed to the Conservative proposal to extend Highway 427 and to build a new superhighway at the north end of York region. As I've said before in this House—and everybody who pays any attention to what happens when you build a highway—when you build a highway, development comes. It is the iron rule. You build it and it absolutely comes, not to mention that it also increases urban sprawl and increases pollution and smog, at a time when up to 1,900 people in Ontario are dying every year from smog. A large majority of our smog comes from the automobile. We should be doing everything we can to alleviate that situation. We have a government that wants to expand or extend new highways.

Let's connect this proposal of the two new highways, or the expanded highway in one case, with the 10-year review. That was controversial when the advisory panel first came out and gave us a view of what they were going to be recommending. That was a bone of contention and it should be. I understand why some people feel that it could be a good thing. There are those who say, "You should open up the plan, take a look at it in 10 years and we could improve on it." But when you put this together with developers, who in this case will be losing some investment, the fact that they know that in 10 years' time it's going to be opened up and reviewed—you've got two new highways, an expanded highway and a new highway, and it's opened up, and who knows who's going to be in government and how much money some of those developers gave to the government of the day in advance, thinking about this? I can absolutely guarantee you that it will be a major issue. It's something that I am sure everybody in this House would like to avoid and everybody in the 905 region would particularly like to avoid, and that is where we're heading, should the government go in that direction.

I mentioned before the Smart Growth councils that the Premier announced last month as replacements for the Greater Toronto Services Board. I am as well very concerned about that. We have to keep a very close watch on who's on that and what kind of accountability structures are built in.

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I've been speaking about highways, and over the weekend in my riding in Riverdale Park I attended a gathering, a protest, a rally, whatever you want to call it, of the Toronto Environmental Alliance and many concerned citizens not only from my riding. Janet Davis, who is a candidate in the Beaches-East York by-election for municipal councillor to replace Michael Prue, came as well as many citizens from the area who are really concerned about the proposal to widen the Don Valley expressway. That is absolutely crazy. That again goes against the grain of real smart growth, to expand it instead of looking at how we can improve public transportation, what other kinds of things we can do to alleviate the congestion on that highway. It's going to become, I would say to the government, what the Oak Ridges moraine became: their stop Spadina issue, in a way. Like Bill Davis, this government now has caved and is mostly doing the right thing, with the caveats that I'm talking about here. I think this expansion of the Don Valley is going to become pretty big as well, because people in the inner city are not going to tolerate it. We are going to be asking all those good folks in the Oak Ridges moraine whom we came out to support, many of us in the city, for obvious reasons, for their help now. We are going to stop the expansion of the Don Valley Parkway.

I can imagine many people who might be listening to this debate or reading it later in Hansard who sit on that Don Valley, and I've been there myself, as I'm sure every member of this House has. It's very frustrating.

You are five minutes late for your Rogers TV show that's live and you're running in, or your TVO show, you go up the Don Valley, or you're trying to get out of the city to get away for the weekend and are stuck on that Don Valley. I'm sure there are a lot of people saying, "What's wrong with widening it? It's a good idea because it's so congested." What is wrong with the idea? There are a number of problems with it, but the major problem is, and there is absolutely no doubt about it any more: all evidence shows that you build a highway and the cars come. That is the reality. You widen the Don Valley and the congestion won't be cleared up. There will just be more cars on it, more vehicles, and we'll still have the same congestion that we had, but in the meantime even more pollution and more noise.

It was quite interesting being in the park on Sunday afternoon. It's fairly quiet on a Sunday afternoon, but the noise pollution—most people don't spend as much time in the middle of the park as I do. The Don Valley goes right under it. Leaning over the bridge and watching the traffic go by, smelling the pollution and breathing it in and hearing the noise—the idea of extending that, of widening it, if you go and take a look at it, is absolutely insane, beyond the pale, and it ain't gonna happen.

City hall is voting on it—I think it may be tomorrow; I'm not quite sure—sometime this week. I understand it's going to be a very close vote. But I also understand that because the government changed the environmental assessment—I remember that as well. One of the first things the Tory government did when they came into power was to gut most of the environmental laws in this province. The environmental assessment was one of them, along with intervenor funding. Those were both very important for citizens to be able to intervene in a meaningful way in things like the Oak Ridges moraine situation and the expansion of the Don Valley Parkway. That's gone, but what happened here with the Don Valley Parkway—Michael White, a friend of mine and a friend to many environmentalists and very involved for years in trying to stop new highways from being built and expanded, called me and was quite appalled and wanted to let me know that the environmental assessment had been gutted. I'm going to tell you how it's been gutted.

The environmental assessment was a very critical piece of legislation. There were many who complained, I remember when we were in government, that it was too cumbersome. There were many problems. In fact, there were some specific problems that we were in the process of fixing. We had no trouble with that. But what this government did was come in and just completely gut it, completely. It was just shocking what they did. I sat on the committee when it was happening.

What it came down to was a hole in the ground. There was a time under the Environmental Assessment Act that our environment was actually protected because the proponent had to do a number of things. First of all, the proponent had to look at alternatives to the site and alternatives to the undertaking. It had to look at economic

and social problems that may arise. All of these things had to be looked at. To some extent, depending on what the proposal was, what the undertaking was, it could be scoped. You didn't have to look at it all in every case. But those were important because it made a difference. It forced the proponent, it forced the board hearing the case, it forced the citizens, the scientists, the experts, everybody to look at the big picture.

I can guarantee you that had the environmental assessment not been gutted, the heart and soul torn right out of it and just now coming down to the hole in the ground, nobody would ever recommend and this province would not allow the Don Valley extension to happen. That's one of the fallouts from getting rid of an important piece of legislation like that, and the fact that there's no intervener funding any more. Proponents would be ordered in large undertakings, like the building of new dumps and the building of incinerators and things like that—and it would apply, I'm sure, to the proposed expansion of the highway—to go through a proper environmental assessment, and the citizens of the province who were involved and had a legitimate interest could claim some intervener funding so they could have a meaningful role before the Environmental Assessment Board. That's all gone now.

So I do want to put the government on notice that this is the next big fight. We're going to be out there. The fight against expanding the Don Valley Parkway is growing, so be prepared for that. As I said, we're going to be counting on many of our friends—who I know get frustrated sitting on that thing, but understanding that that's not going to solve the problems; it's going to create more pollution problems for all of us—to help us in that fight.

I wanted to talk a little bit about the green planning act, because the bills that the NDP brought forward were not just focused on the Oak Ridges moraine, although certainly given the dire straits we were in at that time in terms of the government's absolute refusal to do anything to save the Oak Ridges moraine, to put a freeze on it, all of those things, we were quite panicked most of the time, given these expensive cases going before the board and the inability for citizens to have much effect at the time.

Now, except for some of the major problems with the bill that we are going to keep an eye on and be asking for amendments on—the bill that the NDP brought before this House on the Oak Ridges moraine tried to bring back components of the green planning act that were important to the province in terms of not just saving the Oak Ridges moraine but saving environmentally sensitive land across the province. What it means, should we have that green planning act back or components of it back, is that we never would have had some of the problems that we had on the Oak Ridges moraine.

I remember the arguments we had in committee and in this House when this government was repealing our green planning act, one of the things I was so proud of. One of the discussions we had—the government rejected this, and environmental groups and conservationist groups came in to plead with the government to understand the difference between a system that would require muni-

icipalities, the province and the OMB to make decisions in a manner consistent with provincial policy statements. What happened is—and this was such a key component to that green planning act, which was, as I said, developed under extensive community public consultation. This component became, I think, the heart of it in many ways. What the government did was say that the municipalities, the OMB, the province, whoever was making these decisions, didn't have to be consistent with provincial policy statements but had to "have regard for." It could sound like semantics to many people, but I can guarantee you that it isn't. There are very good public policy statements, for instance, on the Oak Ridges moraine and around other sensitive lands in the province. The difference is that if you had "consistent with provincial policy," which is what our bill said, then a municipality or the OMB—and the OMB said it was a tool taken away from them.

Let's look at the Oak Ridges moraine development, for instance. You'd come before the OMB if a municipality made a decision to develop a piece of environmentally sensitive land, and the OMB chair or panel could look at the developers, the municipalities, and say, "Here's what the Planning Act says now. It says your plan has to have regard for the provincial policy statement. Did you have regard, Mr Jones, for the provincial policy statement?" and they'd say, "Oh, yes, we had regard for it. We took a look at it." This in fact has happened. "We took a look at it, we had regard for it, but we rejected it because for all these reasons it didn't fit with our plans." That's what has been going on.

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When the system required municipalities to be consistent with provincial policy, they couldn't get away with that. It's a very huge difference. The developers, the community, the municipality and the OMB would have to look at whether or not the proponent, the municipality or whoever, is coming in with a plan consistent with provincial policy.

That's all gone now. The bill I brought forward—the two bills we brought forward—attempted to bring that back. Most of my bill was related specifically to the Oak Ridges moraine, because that was the issue at hand at the time, but it also—and it became even more important after Walkerton. It said that they "protect groundwater and surface water through the prohibition of development that would negatively impact groundwater recharge areas, headwaters and aquifers that have been identified as sensitive areas. Significant wetlands, wildlife habitats and natural corridors would also be protected." That statement applies to the Oak Ridges moraine, but it also applies to sensitive environmental land across the province. That's why the bills we put forward wanted to bring back that component of green planning. But it was particularly relevant, of course, to the Oak Ridges moraine.

Another policy relevant to moraine concerns urban form. That requires intensifications, compact development and limits on growth outside the current urban envelope. There were other policies that were part of the

Sewell package that dealt with things above and beyond sensitive environment land and protecting our water, dealing with things such as affordable housing and the retention of valuable farmland. These issues are salient right now in this Legislature, and that was an important part of the Planning Act. It wasn't just a green planning act that we brought forward, although that's mostly what it dealt with. But the green planning act did not look at planning in isolation, bits and pieces. That's what you hear—even the Gibbons report, which I have a lot of problems with, a lot of disagreements with. It moves too much toward voluntary compliance and volunteerism and devolution and less accountability from the government; a lot of problems with it. But one of the things they talked about—and it's something we had started under our government—not just with the Planning Act but with the Environmental Bill of Rights, the Environmental Commissioner, and under the Environmental Bill of Rights, was making sure that all the ministries had to come up with a statement about what they were doing in terms of all their new policies and laws and regulations coming forward. For the first time in the history of the province, all of the ministries had to look at the impact of their new policies and laws on the environment.

It was a very slow start. Ministries weren't used to it. I remember, as Minister of Consumer and Commercial Relations, a lot of the issues and problems that ministers and ministry staff had in trying to get their head around that, having to think through, what are the environmental consequences? But it was such a critical thing, to start not looking at environmental protection in a piecemeal way.

That, unfortunately, is what we've come back to now, that we're doing all these things in a piecemeal way. I think we've all figured out by now that you can't just pluck the environment and environmental protection and the protection of sensitive land and try to deal with it in isolation. When we talk about protecting the Oak Ridges moraine and not allowing many new developments there, new housing, it forces us to talk about housing: where are we going to build this housing for the people moving into the area? Well, there's a suggestion that it go to the Seaton lands. I'm suggesting that possibly Ataratiri—remember that land the Liberals bought before the election in 1990? It's very contaminated. We have new brownfields legislation, which we all know is weak and the government's not putting any money into it. But that land is sitting there, practically downtown, and perhaps that's the kind of thing we should be looking at: the development of brownfields within the inner city. That's one idea I put out there.

But talking about development and housing gets us to thinking about affordable housing, because there isn't any new affordable housing being built. That's an issue that we as public policy-makers cannot ignore, that we have a housing crisis, a very serious housing crisis. This is something where the government keeps saying that the developers will build, and they don't, and in the meantime it's getting worse and worse and worse, and there's a crisis.

That also leads us to the retention of valuable farmland. The more you build up in rural areas on valuable farmland, not only does it contribute to urban sprawl—which is bad for all kinds of reasons, including bad for the environment because everybody has to travel in their cars and they have to build all these new services—but we're losing our valuable farmland. People don't think about that very much, but if you talk to farmers who are farming, producing the food for all of us, they will tell you that this is a problem. Some of them are offered high prices for their land, and given a lot of the problems for farmers today, some of them sell out. These developers, on speculation, buy up the land, waiting till the time is right to develop it. That's an issue.

All of these things have to be brought together, and that's what the green planning act did. I would submit to the government that it was wrong and foolish—I understand why they did it. Believe me, I looked at the donations to that party over the years from those developers, many of whom wanted to develop on the Oak Ridges moraine. I understand why they did it; it was probably a big campaign promise. But it was really foolish, because it's going to hurt our province in the long run. Without that kind of green planning act in place, we don't have the legislative structure in place to protect that farmland, to avoid the kind of urban sprawl that's going on. It took the government a couple of years of very hard lobbying by the opposition in this House and some of their own members and thousands of people in the Oak Ridges moraine area here in Toronto, and it took their going down in the polls and to have a leadership race, with probably some people from the Oak Ridges moraine area running, to get the government to finally do some of the right things on the Oak Ridges moraine. But it's not going to stop there. You've got one problem somewhat solved now, but there are going to be other problems cropping up all over the place.

The next step is in Seaton, where they want to relocate some of the development. It's going to be a problem. Then there's the expansion of the Don Valley Parkway and the building of new highways. There is no comprehensive environmental plan for how we build up our areas, how we create new housing, all of that. It's not comprehensive; it's just piecemeal all over the place. Those are issues that we have to grapple with over the next decade or so. The population increase for the GTA area is mammoth. The only plan that this government has is to build more highways and to expand development, now not on the Oak Ridges moraine overall but in the Seaton area. These problems are not going to go away; they're going to continue to be a problem.

Before I end here I want to come back to saying this: the Oak Ridges moraine legislation that we have before us in many ways I believe is more than we've dreamed they would give. I would say again that we have to congratulate the government for coming forward with this. It doesn't really matter in the long run why they made that decision; the fact is that they did. But there are problems with the bill. There are probably others that I

haven't outlined tonight, but the specific ones that I outlined have to be dealt with.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): Are you supporting it?

Ms Churley: I don't know. I presume I'm going to be supporting the bill, but I'm going to need—if you were listening tonight you would know that I have a few major concerns with it and those concerns we have to deal with. I would say to the members opposite that the concerns I expressed tonight are real and they're serious. You're not going to hear about them just from me and the NDP; you will be hearing of them from some of your constituents as well.

Mr Tilson: So what are you saying? We are going to committee for three weeks?

Ms Churley: I think we need to be going out to committee.

Mr Tilson: No, you don't.

Ms Churley: Of course I do. I think we should be going out to committee. I imagine that the government would like very much to have this bill go out to committee. They haven't been getting a lot of good news lately, and I expect they will want us to go to committee so that they can get lots and lots of people in to pat them on the back and tell them how great they are. They haven't been getting much of that lately, and I don't expect you're

going to be getting much of it given your policies on so many other areas, some of which I talked about tonight—your awful environmental record. It's unspeakable.

I see the parliamentary assistant on the environment is looking at me, but he knows deep down inside that I'm right on this, because he's a smart guy. But he's got to follow the mantra. We know that they're not going to get many pats on the back, if any, for any of their other policies. If you think about it, on affordable housing, the environment, all of those things, health care, education, they are getting hammered, whacked, as my colleague from Trinity-Spadina would say. So of course they want to go out to committee on this one. But I can tell the members opposite that it should go out to committee and we should have some serious discussions about the problems that I raised tonight.

Mr Speaker, I know that everybody, including you, was listening to me with rapt attention tonight; I could just see it. I want to thank all the members for their attention to my speech tonight. I'm sure that they learned a lot from it, and I look forward to their comments and questions at the end of the evening. It being now almost 9:30 of the clock, we have a few minutes for questions and comments. No, we don't, the Speaker says.

The Deputy Speaker: It being almost 9:30 of the clock, this House stands adjourned until tomorrow at 1:30.

The House adjourned at 2124.

LEGISLATIVE ASSEMBLY OF ONTARIO
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		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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